

Message Text

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SUBJECT: THIRD IPG ON INTERMODAL TRANSPORT HALTED BY STRIKE

1. SUMMARY: FACED WITH CONTINUATION OF SECRETARIAT STRIKE, UNCTAD INTERGOVERNMENTAL PREPARATORY GROUP (IPG) LEADERS DECIDED EVENING MONDAY, MARCH 1, TO WRAP UP IPG. BRIEF REPORT BEING PREPARED FOR ADOPTION BY REMAINING DELEGATES THURSDAY. MEETING FOR CONTINUATION OF THIRD IPG TENTATIVELY SCHEDULED FOR JANUARY, 1977. END SUMMARY.

2. THE SECRETARIAT STRIKE, WHICH BEGAN FEBURARY 25, CONTINUED INTO WEEK MARCH 1-5, LEAVING IPG WITHOUT TRANSLATION, DOCUMENTS, HEAT OR LIGHT. ALTHOUGH MEETING OF ALL GROUPS CONTINUED THROUGH MARCH 1 IN AD HOC QUARTERS, NO WORKING GROUP OR PLENARY SESSIONS POSSIBLE. GROUP COORDINATORS AND IPG CHAIRMAN THEREFORE DECIDED, WITH SUPPORT OF MOST OR ALL DELS, TO WRAP UP MEETING.

3. IPG LEADERS AND SECRETARIAT HAVE TENTATIVELY SETTLED ON A THREE WEEK MEETING DURING JANUARY, 1977 TO SERVE AS CONTINUATION OF THIRD IPG. FOURTH IPG BEING CONSIDERED FOR FALL OF 1977.

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4. A BRIEF REPORT, REFLECTING THE FEW PLENARY DISCUSSIONS AND CONTAINING AGREED GROUP DOCUMENTS, BEING

PREPARED FOR ADOPTION BY A PLENARY MEETING THURSDAY, MARCH 4. JOHNSON (SERVING AS FRIEND OF RAPPOREUR) AND DRISCOLL WILL REMAIN GENEVA THROUGH MARCH 4. OTHER DEL MEMBERS RETURNING U.S. MARCH 3, OR HAVE ALREADY RETURNED.

5. BEFORE DISBANDING, GROUP B COMPLETED DISCUSSION OF LIABILITY AND INSURANCE QUESTIONS. PRODDER BY SCANDAVIANS AND CANADIANS, GROUP REACHED AGREEMENT ON A PAPER OUTLINING AN APPROACH TO LIABILITY AND INSURANCE. AGREEMENT HAILED BY MOST GROUP B DELS AS MAJOR STEP TOWARDS A COMMON B GROUP POSITION. MAIN ELEMENTS OF B GROUP PACKAGE ARE A BASIC MTO LIABILITY APPLICABLE TO ENTIRE MT JOURNEY. BASIC LIABILITY WOULD BE BASED ON FAULT WITH REVERSE BURDEN OF PROOF. LIMITS WOULD BE QUOTE LOW OR MODERATE UNQUOTE, WITH CONSIDERABLE VARIATION IN GROUP AS TO MEANING OF THOSE WORDS. UK, SCANDAVIANS AND POSSIBLY OTHERS CLEARLY CONTEMPLATE THAT BASIC LIABILITY WOULD BE AT REVISED HAGUE RULE LIMITS. NO SUPPORT FROM ANY DEL FOR HIGH WARSAW-TYPE LIMITS.

6. BASIC LIABILITY WOULD APPLY TO CONCEALED DAMAGE AND DAMAGE NOT OTHERWISE COVERED BY A MODAL LIABILITY REGIME OR NATIONAL LEGISLATION. WHERE DAMAGE SHOWN TO OCCUR ON A MODE WITH LIMITS HIGHER THAN BASIC LIMIT, HIGHER LIMITS WOULD APPLY. HOWEVER PROCEDURAL RULES OF BASIC MTO LIABILITY WOULD BE APPLIED, E.G., BURDEN OF PROOF, ETC. LIABILITY FOR DELAY NOT DISCUSSED, IN DETAIL.

7. U.S. DEL DID NOT TAKE MAJOR PART IN DISCUSSION OF LIABILITY AND INSURANCE, WITH GREATEST IMPETUS COMING FROM SCANDAVIANS, INCLUDING CHAIRMAN BLOM. HOWEVER U.S., INCLUDING INDUSTRY ADVISERS, FOUND B POSITION ACCEPTABLE.

8. WHILE B GROUP WORKED ON LIABILITY AND INSURANCE, 77 DISCUSSED LIABILITY AND INSURANCE PAPER PREPARED BY LATIN AMERICAN GROUP, BUT AGREEMENT APPARENTLY NOT REACHED. GROUP OF 77 AND REGIONAL GROUPS HAVE BEEN MEETING REGULARLY THROUGHOUT STRIKE BUT RESULTS NOT KNOWN.
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9. PROSPECTS-THE STRIKE MAKES ANALYSIS OF THE MEETING AND OF THE IPG'S PROSPECTS DIFFICULT. THE STRIKE WOULD HAVE PREVENTED SUBSTANTIAL PROGRESS UNDER IDEAL CONDITIONS. THERE HAVE BEEN DEVELOPMENTS WHICH SUGGEST MOVEMENT TOWARDS AN ACCEPTABLE CONVENTION. GROUP B'S LIABILITY AND INSURANCE PAPER IS BEING CITED BY B GROUP SUPPORTERS OF A CONVENTION (AUSTRALIA, CANADA, SCANDANAVIA) AS A MAJOR STEP TOWARDS EVENTUAL AGREEMENT. HOWEVER, THERE HAVE BEEN FEW EXTERNAL SIGNS OF PROGRESS FROM THE MEETINGS

OF THE GROUP OF 77. DALE

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